

How to Help Children with Disabilities and Special Health Care Needs Receive Support at School

By Wendy Ringer and Julie Holmquist, PACER Center

Children with special health care needs and disabilities often require accommodations in school in order to access the same education as their peers. Assistance from you as the child's physician can help a family acquire the appropriate educational accommodations.

First, doctors should know that a medical diagnosis alone does not qualify a student for accommodations. A comprehensive evaluation is done by the school to see how the medical diagnosis is impacting the child's academic progress. As the primary doctor, however, you can help provide relevant documentation of symptoms, problems, and needs, as well as the diagnosis for the school to consider as part of the evaluation.

Some children with disabilities do not qualify for special education services under the Individuals with Disabilities Education Act, but they may qualify for accommodations under a different federal law —Section 504 of the Rehabilitation Act of 1973 (commonly referred to as Section 504). For instance, Tyler, 14, was diagnosed with ADHD but he did not qualify for special education services.

Without special accommodations, Tyler was struggling in school. Taking tests and organizing assignments were especially difficult for him due to his disability. After Tyler's mother asked PACER Center, a National Parent Center, for help, she learned about Section 504 Plans and asked the school to provide one for her son. With a 504 Plan in place at school, Tyler is now allowed extended time on tests and has help breaking down large school projects into a number of more manageable tasks.

If one of your patients is like Tyler and does not qualify for special education services, but has a disability that substantially limits a major life function, you can offer the following PACER Center information about Section 504 to families. Doing so may help them obtain the appropriate accommodations for their child.



How Students with Disabilities Can Gain Services at School Under Section 504 of the Rehabilitation Act of 1973?

Section 504 of the Rehabilitation Act of 1973 (commonly referred to as Section 504) is a federal law designed to protect the rights of individuals with disabilities in programs and activities that receive federal financial assistance. Those programs include public school districts, institutions of higher education, and other state and local education agencies. To qualify under Section 504, a student must have a disability and that disability must limit a major life function. The Act was most recently updated in 2009 as a result of the passage of the Americans with Disabilities Act Amendments Act (ADAAA) which broadened the definition of disability under both the ADAAA and Section 504.

How Does Section 504 Define Disability and Major Life Functions?

A student is determined to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities. These activities include such things as walking, seeing, hearing, speaking, breathing, learning, working, caring for oneself, performing manual tasks, eating, sleeping, standing, lifting, bending, reading, concentrating, thinking, communicating, and more. The legislation also states that the school district must not consider the improvement caused by a "mitigating measure" such as medication, hearing aids, prosthetics, mobility devices, or other means when determining whether a student has a physical or mental impairment. The language on mitigating measures was added in 2009.

Are Evaluations Required Under Section 504?

Yes. The school must conduct an evaluation to determine if the student has a disability as defined under this act. Based on docu-

continued on page 17

mented information from varied sources, decisions must be made by a group of school personnel who are knowledgeable about the child, the meaning of the data, and the placement options.

What Happens if my Child is Eligible?

Section 504 requires a school district to provide a “free appropriate public education” (FAPE) to each eligible student in its jurisdiction, regardless of the nature or severity of the disability. Under Section 504, an appropriate education for a student with a disability could consist of education in a regular classroom, education in a regular classroom with supplementary services, or special education and related services. A child who has a disability but does not qualify for special education services under the Individuals with Disabilities Education Act (IDEA) may still be entitled to services or accommodations under Section 504. The school must provide a documented plan for providing reasonable accommodations and other services so a child may participate fully in the school setting. Parents are usually invited to a meeting where the plan is developed. Putting the plan in writing is an effective way to document what services the school will be providing.

What are Accommodations Under Section 504?

When a child is determined to be eligible for services under Section 504, the school must eliminate barriers to his or her access to full participation in school activities, including the general education curriculum. Barriers often are eliminated through the provision of accommodations. Accommodations must give the child meaningful equal opportunities, consider his or her functional limitations, and offer alternative methods of performance. Examples of accommodations include testing in a quiet room, preferential seating, digital textbooks, tailored homework assignments, a sign language interpreter for a track meet, and the like.

What responsibilities do Schools Have Under Section 504?

To provide assurance that they do not discriminate, schools must designate an employee to ensure compliance, provide grievance procedures, identify and locate all children with disabilities who receive education within the district, and provide notice of the district’s Section 504 responsibilities and procedural safeguards to parents. The district also must give parents a copy of procedural safeguards within the school district. Procedural safeguards include the parents’ right to: (1) receive notice of action regarding identification, evaluation, and placement of their child with a disability (2) review records, (3) request an impartial hearing, and (4) have a review procedure.

What if There Appears to be a Violation of Section 504?

Section 504 complaints are investigated by the Office for Civil Rights enforcement office serving your state or territory. Contact the enforcement offices if you wish to file a complaint. Find the appropriate enforcement office online at <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> or contact OCR Washington, DC headquarters office at 800-421-3481; E-mail OCR@ed.gov.

Learn More.

To learn more about this subject, parents are encouraged to talk to their school district’s Section 504 coordinator. Parents may also request a copy of the district’s 504 policy, including grievance procedures if they do not agree with the district’s implementation of Section 504. Information about how Section 504 applies to educational institutions can be found in 34 CFR 104 (www2.ed.gov/policy/rights/reg/ocr/edlite-34cfr104.html).

Parents who have questions can also call PACER Center toll free at 888-248-0822.

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